

107TH CONGRESS
1ST SESSION

H. R. 2925

To amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2001

Mr. CALVERT introduced the following bill; which was referred to the
Committee on Resources

A BILL

To amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SECURITY OF RECLAMATION DAMS, FACILI-**
4 **TIES, AND RESOURCES.**

5 Section 2805(a) of the Reclamation Recreation Man-
6 agement Act of 1992 (16 U.S.C. 460l–33(a)) is amended
7 by adding at the end the following:

1 “(3) Any person who violates any such regulation
2 which is lawfully issued pursuant to this Act shall be fined
3 under title 18, United States Code, imprisoned not more
4 than 6 months, or both. Any person charged with a viola-
5 tion of such regulation may be tried and sentenced by any
6 United States magistrate judge designated for that pur-
7 pose by the court by which he was appointed, in the same
8 manner and subject to the same conditions and limitations
9 as provided for in section 3401 of title 18, United States
10 Code.

11 “(4) The Secretary may—

12 “(A) authorize law enforcement personnel from
13 the Department of the Interior to act as law enforce-
14 ment officers to maintain law and order and protect
15 persons and property within a Reclamation project
16 or on Reclamation lands;

17 “(B) authorize law enforcement personnel of
18 any other Federal agency that has law enforcement
19 authority, with the exception of the Department of
20 Defense, or law enforcement personnel of any State
21 or local government, including Indian tribes, when
22 deemed economical and in the public interest, and
23 with the concurrence of that agency or that State or
24 local government, to act as law enforcement officers
25 within a Reclamation project or on Reclamation

1 lands with such enforcement powers as may be so
2 assigned them by the Secretary to carry out the reg-
3 ulations promulgated under paragraph (2);

4 “(C) cooperate with any State or local govern-
5 ment, including Indian tribes, in the enforcement of
6 the laws or ordinances of that State or subdivision;
7 and

8 “(D) provide reimbursement to a State or local
9 government, including Indian tribes, for expendi-
10 tures incurred in connection with activities under
11 subparagraph (B).

12 “(5) Officers or employees designated or authorized
13 by the Secretary under paragraph (4) are authorized to—

14 “(A) carry firearms within a Reclamation
15 project or on Reclamation lands and make arrests
16 without warrants for any offense against the United
17 States committed in their presence, or for any felony
18 cognizable under the laws of the United States if
19 they have reasonable grounds to believe that the per-
20 son to be arrested has committed or is committing
21 such a felony, and if such arrests occur within a
22 Reclamation project or on Reclamation lands or the
23 person to be arrested is fleeing therefrom to avoid
24 arrest;

1 “(B) execute within a Reclamation project or
2 on Reclamation lands any warrant or other process
3 issued by a court or officer of competent jurisdiction
4 for the enforcement of the provisions of any Federal
5 law or regulation issued pursuant to law for an of-
6 fense committed within a Reclamation project or on
7 Reclamation lands; and

8 “(C) conduct investigations within a Reclama-
9 tion project or on Reclamation lands of offenses
10 against the United States committed within a Rec-
11 lamation project or on Reclamation lands in the ab-
12 sence of investigation thereof by any other Federal
13 law enforcement agency having investigative jurisdic-
14 tion over the offense committed or with the concur-
15 rence of such other agency.

16 “(6)(A) Except as otherwise provided in this para-
17 graph, a law enforcement officer of any State or local gov-
18 ernment, including Indian tribes, designated to act as a
19 law enforcement officer under paragraph (4) shall not be
20 deemed a Federal employee and shall not be subject to
21 the provisions of law relating to Federal employment, in-
22 cluding, but not limited to, those relating to hours of work,
23 rates of compensation, leave, unemployment compensa-
24 tion, and Federal benefits.

1 “(B) For purposes of chapter 171 of title 28, United
2 States Code, popularly known as the Federal Tort Claims
3 Act, a law enforcement officer of any State or local govern-
4 ment, including Indian tribes, shall, when acting as a des-
5 ignated law enforcement officer under paragraph (4) and
6 while under Federal supervision and control, and only
7 when carrying out Federal law enforcement responsibil-
8 ities, be considered a Federal employee.

9 “(C) For purposes of subchapter I of chapter 81 of
10 title 5, United States Code, relating to compensation to
11 Federal employees for work injuries, a law enforcement
12 officer of any State or local government, including Indian
13 tribes, shall, when acting as a designated law enforcement
14 officer under paragraph (4) and while under Federal su-
15 pervision and control, and only when carrying out Federal
16 law enforcement responsibilities, be deemed a civil service
17 employee of the United States within the meaning of the
18 term ‘employee’ as defined in section 8101 of title 5, and
19 the provisions of that subchapter shall apply. Benefits
20 under this subchapter shall be reduced by the amount of
21 any entitlement to State or local workers’ compensation
22 benefits arising out of the same injury or death.

23 “(7) Nothing in paragraphs (3) through (9) shall be
24 construed or applied to limit or restrict the investigative
25 jurisdiction of any Federal law enforcement agency, or to

1 affect any existing right of a State or local government,
2 including Indian tribes, to exercise civil and criminal juris-
3 diction within a Reclamation project or on Reclamation
4 lands.

5 “(8) For the purposes of this subsection, the term
6 ‘law enforcement personnel’ means employees of a Fed-
7 eral, State, or local government agency, including an In-
8 dian tribal agency, who have successfully completed law
9 enforcement training and are authorized to carry firearms,
10 make arrests, and execute services of process to enforce
11 criminal laws of their employing jurisdiction.

12 “(9) The law enforcement authorities provided for in
13 this subsection may be exercised only pursuant to rules
14 and regulations promulgated by the Secretary and ap-
15 proved by the Attorney General.”.

○